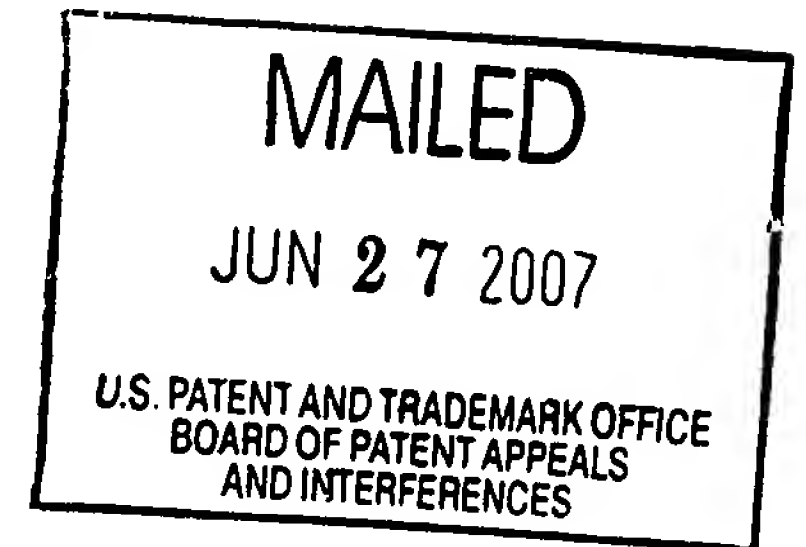


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CAROLYNN RAE JOHNSON

Application 09/994,410



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on June 11, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Information Disclosure Statement (IDS)

On June 11, 2007, Appellant filed an Information Disclosure Statement (IDS). It is not clear from the record whether the Examiner considered the statement submitted or whether the Examiner notified Appellant of why her submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, Appellant filed an Amendment with a Request for Continued Examination (RCE) on May 6, 2005. A review of Appellant's

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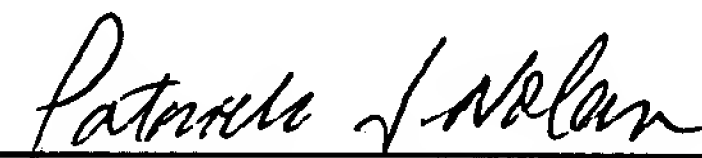
Claims Appendix reveals that claim 38 incorrectly depends from claim 23 instead of claim 31, as per the Amendment filed on May 6, 2005.

Accordingly, it is

ORDERED that the application is returned to the Examiner for resolution of the following issues:

- (1) to consider the IDS filed on June 11, 2007, and to notify Appellant in writing of such consideration;
- (2) to notify Appellant to submit a corrected copy of claim 38 on appeal, or for the Examiner to submit a corrected copy of claim 38; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN:clj

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